IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 31235 of 2006(R)

PETITIONER:

H.SEENA,
ASSISTANT PUBLIC PROSECUTOR GRADE II (PROVISIONAL)
OTTAPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY,
HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
PALAKKAD.

3. THE DIRECTOR GENERAL OF PROSECUTIONS,
ADVOCATE GENERAL'S OFFICE,
HIGH COURT OF KERALA, ERNAKULAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 31235 OF 2006

Dated this the 19th December, 2006.

JUDGMENT

The petitioner is working as Assistant Public Prosecutor Gr.II with effect from 16.6.2006 in the Court of the Judicial First Class Magistrate, Ottapalam. Her term of appointment as shown in the appointment order was over by 15th of this month. This Court passed an interim order directing the respondents to permit the petitioner to continue in the post.

2. The Government have issued the select list of Assistant Public Prosecutors Gr.II for regular appointment and a substantial number of candidates included in the select list are undergoing training for a period of six months. The point for consideration is until such time the trained hands report for duty, why not the petitioner be permitted to continue on temporary basis? I am of the opinion that the petitioner can be allowed to continue in the post temporarily until the regular hand reports for duty. This is so in the light of the ruling of the apex Court in **Raj Deo Sharma v. State of Bihar** {2000(1) KLT SC 463}. The information collected by this Court through the Registrar shows that there are no complaints against the petitioner.

3. Hence there shall be a direction to the respondents to permit the petitioner to continue as Assistant Public Prosecutor Gr.II until the regular hand reports for duty. Writ petition is disposed of as above.

K.K.DENESAN
Judge

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